

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-93-E ORDER NO. 2021-64-H

JUNE 1, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Dominion Energy South Carolina, Incorporated's Request for "Like Facility" Determinations Pursuant to S.C. Code Ann. § 58-33-110(1) and Waiver of Certain Requirements of Commission Order No. 2007-626

MATTER UNDER CONSIDERATION:

Petition to Intervene of Sierra Club

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Sierra Club. The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must: set forth clearly and concisely: (a) The facts from which the nature of the petitioner's alleged right or interest can be determined; (b) The grounds of the proposed intervention; (c) The position of the petitioner in the proceeding.

Sierra Club asserts that the "like facility" request in this Docket is actually a CT Plan that seeks to replace ten existing combustion turbines at its Bushy Park, Parr, and Urquhart sites, and replace them with five new Aeroderivative combustion turbines. The CT Plan also proposes, if its request is granted, modeling the new replacement generation units in its 2021 Integrated Resource Plan ("IRP") Update. Petitioner has intervened and is actively participating in DESC's 2020 IRP (Docket No. 2019-226-E), having just submitted Joint Comments on DESC's Modified 2020 IRP. Sierra Club notes that the Commission has not yet issued a scheduling order in this case or a deadline for parties to file a Notice of Intervention. Sierra Club states that it has approximately 6,920 dues-paying members in South Carolina. According to the Petition, the Sierra Club's mission is to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. In furtherance of this mission, the Petition states that the Sierra Club and the Sierra Club's South Carolina Chapter works to accelerate the transition from fossil fuels to clean energy solutions and advocates for state and federal policies and industry action to achieve this transition. Sierra Club notes that it has a long

history of working to reduce pollution from coal-fired power plants and promoting clean energy sources in the Southeast.

The Petition asserts that the Sierra Club and its more than 6,920 members who live in South Carolina— approximately half of which are Dominion customers—have a direct and substantial interest in this proceeding. According to Sierra Club, the Company is seeking to swap out ten combustion turbine generation units for five new ones without going through the siting process or the Commission-mandated Request for Proposal process for new peaking generation units. The Company's request implicates Sierra Club's organizational mission and interests by failing to consider clean energy alternatives, Sierra Club asserts. Moreover, according to the Petition, Sierra Club's members who receive electricity service in their homes and businesses from the Company will be affected by the decisions of the Commission in this and future related proceedings. Sierra Club asserts that it and its members have an interest in ensuring that replacement of current generation units that are approved by the Commission advance the important objectives of promoting cost-saving clean energy, energy efficiencies, and distributed generation, and avoid disproportionate and unreasonable burdens on low-income South Carolinians. Sierra Club states that no other party will adequately represent Sierra Club's interests in this case. The Petition further asserts that Sierra Club seeks to intervene in this proceeding to ensure that its organizational interests and those of its members are represented in the Commission's decision-making process regarding the Company's CT Plan. Sierra Club's involvement in this proceeding will promote its members' interests as well as the broader public's interest, according to the Petition.

From these assertions, this Hearing Officer holds that Sierra Club has successfully satisfied the three criteria for intervention stated in the Regulation. The Sierra Club's interest in this matter can clearly be discerned, as can the grounds for the intervention, and Sierra Club's position. Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of Sierra Club is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.